FOR SUBWAY ADS, AND STANDS

INTERBOROUGH'S ARGUMENTS PRESENTED TO THE COURT.

De Lancey Nicoll Ridicules the Assertion That They Hold Germs and Create Litter-None of the City's Business Anyway-Road Not Built for Artists.

The applications made by the Interborough Rapid Transit Company and its advertising firm, Ward & Gow, for injunctions restraining the city from removing any of the signs, slot machines or stands in the subway stations, came up for argument yesterday before Supreme Court Justice Bischoff. Decision was reserved.

George Wickersham, counsel for the Interborough, told Justice Bischoff that the temporary injunctions obtained last week by the railroad should be continued because nobody possessed any authority over the subway, and its lessees save the Rapid Transit Commission, to whom the Legislature committed control of the road as a public highway. The city's contention that the subway is a part of the streets system of the city, and as such, under the Borough President's control, Mr. Wickersham denounced as untenable.

"The only ground of opposition to the signs," said Mr. Wickersham, "is an æsthetic one, on the part of the persons who object to seeing advertising or trade anywhere. In other cities that have subways, the advertisements, and slot machines are present, and no dissenting voice is heard. On the elevated roads Ward & Gow have a similar privilege to the one they have in the subway, with only this difference, that they are paying us \$550,000 a year, while they pay the Manhattan only \$350,000 rent for the privilege."

For the city, Assistant Corporation Counsel Burr asked Justice Bischoff to vacate the ex parte injunctions on the ground that the Interborough had plainly violated the terms of its contracts and lease by placing the signs in the stations. Mr. Burr submitted an affidavit by George A. Soper, sanitary engineer, who had charge of the sanitary cleaning of Galveston after the great storm. In this affidavit he said: the great storm. In this affidavit he said:
"The subway is a dust trap or pocket.
In the absence of winds, dust laden with
germs subsides or settles toward the
earth. Once it settles into the subway it
can be removed only with difficulty. I
have observed boys writing their names
with their fingers in the dust on the tiled
walls. The glazing of the walls was probably adopted with a special view to avoiding
the accumulation of dust. Therefore, to
place anything in or upon these walls which
breaks theismooth surface defeats this object
and accumulates dust. The advertising and accumulates dust. The advertising signs which are nailed to the walls do so break the surface and are for that reason objectionable. It is essential that the sub-

signs which are nailed to the walls do so break the surface and are for that reason objectionable. It is essential that the subway should look clean.

"The sale of small packages of chewing gum and confectionery from vending machines tends further to litter the subway and cars with oiled paper, tinfoil, &c. The accumulation of subway dust appears not only upon the walls, platforms and signs, but also on the stands, even working into the inside of the closed stands. The storage and exposure for sale of articles of food and smokers' supplies on and in these stands, therefore, make these articles liable to contamination. To maintain the subway in proper sanitary condition it should be kept as free from dust as practicable, particularly at the stations. The presence of the advertising signs, vending and weighing machines and stands adds materially to the difficulty of maintaining the stations in a clean and sanitary condition."

De Lancey Nicoli of counsel for the Interborough maintained that the company as tenant had a perfect right to put signs or stands in the stations, as long as these or stands in the stations, as long as these or stands in the stations, as long as these or stands in the stations, as long as these or stands in the stations, as long as these of the building.

Sulphur fumes filled the air in the vicinity and the firemen were so badly affected by the fumes that they were ohiged to quit work temporarily and Deputy Chief Laily sent in two special calls for additional firemen.

None of the men injured in the explosion

the difficulty of maintaining the stations in a clean and sanitary condition."

De Lancey Nicoli of counsel for the Interborough maintained that the company as a tenant had a perfect right to put signs or stands in the stations, as long as these neither interfered with the road's operation nor obstructed the view of the station signs. Furthermore, he said, the company would be perfectly within its rights if the put in package rooms, telephone booths put in package rooms, telephone booths or anything else that might contribute to the general comfort of the passengers.

The statement that the signs were breeding places for germs Mr. Nicoli ridiculed has nonsensical. As a matter of fact, he as nonsensical. As a matter of fact, he he world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said Judge that the world is round, "said Judge that the world is round," said

travelling public. Does that public want to ride in a marble tomb? No.

'We can run smoking cars, if we choose der our contract. Why, then, can't a

TO TAKE UP UNUSED TRACKS. N. Y. City Railroad Co. Willing if It Can Retain Franchises.

For the removal of unused railroad tracks from the streets an agreement was reached yesterday at a conference between Borough President Ahearn and President H. H. Vreeland of the New York City Railroad Company.

Mr. Vreeland promised that his company would not only tear up the unused invited their women friends. Farrior and Randolph were the debaters.

"Mah argument." testified Randolph, 'Mas dat de world was square. I said, 'Mistah Farrior, don't de Good Book say that the wind blows from the foah corners of the earth? Den de worl' am square, an' what de Bible says Ah'm for.'

"Hadrone call man affect." Hadrone call man affect.

pany would not only tear up the unused tracks but would also repave the streets from which they were to be removed if the city would support a bill which has been introduced at Albany providing that the taking away of the tracks shall not mean the forfeiture of the company's franchises in respect to the streets involved. In other respect to the streets involved. In other words, the bill would give to the company the right to reoccupy the routes if traffic as should warrant

onditions should warrant.

Mr. Ahearn thought the proposition was
fair and it is understood that after he has
consuited with the Mayor he will favor the There are many miles of idle surface railroad tracks in this borough. Mr. Vreeland promised to send to Mr. Ahearn maps

MAY HANG WITH HIS BROTHER. Bigler Johnson Sentenced to Die for the

Double Murder He Caused. WILKESBARRE, Pa., Feb. 16 .- Although he pleaded guilty to murder and made a confession which resulted in his brother Charles being convicted in the first degree. Bigler Johnson was sentenced to-day by Judge Fanning at wanda to be hanged and will probably join his brother on the scaffold. This ends the famous Johnson murder case.

The victims were Mrs. Bigler Johnson and her niece, Annie Benjamin. They were butche red and the bodies burned in the house which was destroyed by fire. Bigler Johnson, after the arrest of his mother, sister, two brothers and himself, confessed that he had offered his mother and brother Charles 56 to kill the woman. At the time of the murder, he says, he was somes miles away, establishing an alibi. He expected to get a second degree sentence, but Judge Fanning showed him no mercy.

RECIOR GRAHAM RESIGNS.

Had Been at Odds With Some of the Parishloners in Mount Vernon Church,

MOUNT VERNON, N. Y., Feb. 16 .- The resignation of the Rev. Samuel T. Graham as rector of Trinity Church in Mount Vernon was announced here to-day and caused much surprise. Mr. Graham has been rector of the church for nearly fifteen years. Of late there has been considera-ble dissension among the parishioners and peveral attempts have been made to oust Dr. Graham by electing a vestry unfavora-

Graham frustrated one of these attempts by attending the election in person and challenging parishioners who were not entitled to vote. The reason he gives for his resignation is that his voice is failing making him unable to perform the clerical duties of his post.

SENT TO SING SING BY MISTAKE. Johnson, Wrongly Indicted for Forgery,

Thought He Was Confessing Small Theft. District Attorney Jerome and Judge Newburger of General Sessions will petition Gov. Higgins to pardon Charles T. B. Johnson, a young bookkeeper, who is serving a seven years sentence in Sing Sing for forgery. It developed in General Sessions yesterday that Johnson was indicted by the Grand Jury for forgery by mistake and that he pleaded guilty to the indictment under a misapprehension that he was pleading to a charge of petty larceny.

Johnson, who lived with his mother at 50 Lexington avenue, Brooklyn, was em-50 Lexington avenue, Brooklyn, was employed by the American Steel Frame and Band Iron Company. Last August it was discovered that there were some irregularities in his accounts, and Johnson was arrested for appropriating \$9.38, the proceeds of a check that had been cashed by a customer of the firm. He was arrested on a warrant charging petty larceny and held for trial in Special Sessions. In some manner not yet explained the case was takenup by the Grand Jury and Johnson was indicted for forgery in the second degree. takenup by the Grand Jury and Johnson was indicted for forgery in the second degree.

Johnson had no counsel and pleaded guilty on Sept. 7. Judge Newburger sentenced him to seven years. Johnson's mother learned that he had gone to jail through a mistake and got J. P. Sheffield, a lawyer, interested in the case. Through him Johnson made an affidavit which was presented to Judge Newburger yesterday. Counsel for Johnson's employers also made an affidavit that there was no forgery charge against him. Judge

proyers also made an affidavit that there was no forgery charge against him. Judge Newburger said yesterday:
"I am afraid that I am powerless in the matter, as the Governog is the only one who can pardon him. I am convinced, however, that Johnson has been wrongfully sent to prison and I will gladly petition the Governor to pardon him."

the Governor to pardon him." Mr. Jerome and Assistant District Atorney Perkins, who were in court, said that they would unite with Judge Newburger. 8 HURT IN FACTORY EXPLOSION.

Friction in Sulphur Grinder Causes Blow-

up-Firemen Knocked Out by Fumes. By the explosion of boiling sulphur in the plant of the Brooklyn Sulphur Works, at Kent avenue and Ross street, Williamsburg, vesterday, eight employees were badly burned and the building was partly wrecked. The explosion was on the ground floor of a three story brick building and was caused by the friction in a grinding machine. A dozen men were at work when the blow-up came, and the eight who were hurt received the full force of it, being terribly scalded all over their bodies

The injured are Michael Cleary, 38 years

men.

None of the men injured in the explosion
will die. The damage was estimated at

not microbe incubators.

"This road was not built to suit the artist," when a jury had acquitted William Farrior, a negro janitor, of assaulting Joseph Ran—Cops Needed in the Courts. dolph, another negro, with an Indian club.

Farrior and Randolph are constituents man buy in the station his cigar or his chewing gum or his chocolate drop or his newspaper, or anything else that he may decently need during his ride?"

of Abe Gruber and belong to a Republican club in West Ninety-ninth street. According to the testimony brought out yesterday most of the members of the club are hardof Abe Gruber and belong to a Republican ing to the testimony brought out yesterday said he believed that there should be sevmembers of the club kept their private bottles and the Bible both in the club ice-

A few weeks ago the club held a meeting to discuss cosmography. The members invited their women friends. Farrior and

Randolph said that Farrior hit him with an Indian club. Farrior said that Ran-dolph hit him first. Judge McMahon in-structed the jury that they did not have to consider whether the world was round or had four corners. All they had to de-cide was whether or not Farrior struck Randolph in self-defence. They decided

Judge Foster Has Sent Word to Men Seek-

ing Lenity for Rich Pawnbroker. There was a good deal of talk around the Criminal Courts Building yesterday of the efforts that were being made in behalf of Edward M. Harlam, who plended milks to receiving stolen goods and who is will have a further examination Monday. guilty to receiving stolen goods and who is also charged with having attempted to

for sentence to-day by Judge Foster in General Sessions. Delos McCurdy, the lawyer, has written to Judge Foster asking lenity. There was a story that two Supreme Court Justices

construct a chain of perjured testimony

to escape punishment. Harlam comes up

would intercede for Harlam. Judge Foster said he had been informed that certain prominent persons intended to ask elemency for Hariam. He said he had sent word to those persons that if any applications were to be made they would

any applications were to be made they would have to be put in writing and would become records of the court.

Commissioner McAdoo said yesterday that he was highly pleased that Detective Sergeants Kinsler and Duggan refused the bribes of \$10,000 apiece which they say Harlam offered them.

Catskill Hotel Damaged by Fire.

KINGSTON, N. Y., Feb. 16.—The two pper floors of the Hamilton House, at tamford, Delaware county, in the Catsidea that any harm will come to you." upper floors of the Hamilton House, at Stamford, Delaware county, in the Catskills, were gutted by fire yesterday afternoon. The fire started from a defective chimney. It was feared that Churchill Hall, a large summer hotel, connected with the Hamilton by piazzas, would be destroyed. Only hard work by the small fire department kept the flames from spreading. Both hotels are owned by Dr. A. S. Churchill, who also owns the Rexmere House in Stamford. The Hamilton is a commercial hotel and is open the entire year. kills, were gutted by fire yesterday after-

SWIFT TRIALS FOR THE COPS.

TWO DEPUTIES BUSY AND CITI-ZENS HAVE RIGHT OF WAY.

Men Who Didn't Spot Burglaries on the Anxious Seat-Lindsley Differentiates Between Politeness and Profanity-

Rural Jealousies-Kinne's Fatal Shot. Deputy Commissioners McAvoy and Lindley both conducted police trials yesterday, dividing the calendar of 101 cases. McAvoy finished his share and called for more, quitting a little after noon, having disposed of fifty-eight cases. Lindsley got

through at 5 o'clock. McAvoy spent no time in lecturing the delinquents as Lindsley does. His penalties for being "off post," were mostly from one to three days' pay, five days being the highest. Lindsley's fines ran from three days, for being off a few minutes, up to ten days.

Eight men were up on charges of failing to prevent or detect burglaries. Lindsley reserved decision in every case. Lindsley ran off the citizens' complaints

early in the day. Patrolman James C. Flood of the Alexander avenue station was charged by Frank M. Wyckoff, a reporter, with having used profane and abusive language toward him, arresting him and language toward him, arresting him and making a false charge of disorderly conduct against him on Feb. 3. Wyckoff said that at 3:30 P. M. he was passing the scene of a flat house fire. Flood demanded what right he had there, and Wyckoff produced his reporter's card signed by the Police Commissioner admitting him inside police lines. The policeman declared that Wyckoff or the card was a fake, and with abusive and profane language, according to the reporter, demanded why he didn't put the card in his hat "as required." The reporter said there was no such requirement. The upshot was the reporter was arrested and discharged in court next day, the Magistrate reprimanding the policeman.

The reporter couldn't remember the exact language the policeman used, and Lindsley ruled that while "Why in hell don't you put it in your hat?" was not polite it was not profane. The case was finally

adjourned.
Patrolman Fred H. Oellig of Staten Island was up on a series of charges. He said that he was being persecuted by Roundsman Lonergan because he was accused of being the source, direct or indirect, of an anonymous letter sent to Headquarters last August reflecting on the roundsman. He denied that he had anything to do with the letter. As a result of the constant "pounding." Oellig said he had become discouraged and decided to quit. This led to the series of charges heard yesterday. Some of the

The injured are Michael Cleary, 38 years old, of 168 Wallabout street; Patrick Sweeney, 53 years old, of 578 Myrtle avenue; Thomas Kale, 40 years old, of 55 Walworth street; Edward McCabe, 34 years old, of 55 Walworth street; Edward McCabe, 34 years old, of 55 Walworth street; Edward McCabe, 34 years old, of 9 Park avenue; Michael Willehan, 21 years old, of 8 Sanford street; Laurence Smith, 36 years old, of 743 Bedford avenue, and Michael Whalen, 30 years old, of 89 Sanford street.

The explosion blew out the wall on the Wallabout Creek side, below the second floor, hurling bricks and masonry upon barges and other craft moored near by. The walls on both sides of the building bulged out and hundreds of panes of glass in nearby buildings were shattered. The explosion was followed by a fire and those employees who escaped injury, or who were only slightly hurt, turned their attention to old the street; Patrick Sweeney, 53 years old, of 578 Myrtle avenue; Caded to quit. This led to the series of charges heard yesterday. Some of the constant poundand decided to quit. This led to the series of charges heard yesterday. Some of the constant poundand the cided to quit. This led to the series of charges heard yesterday. Some of the constant poundand the cided to quit. This led to the series of charges heard yesterday. Some of the constant poundand the cided to quit. This led to the series of charges heard yesterday. Some of the constant poundand the cided to quit. This led to the series of charges heard yesterday. Some of the constant poundand the cided to quit. This led to the series of charges heard yesterday. Some of the constant poundand the cided to quit. This led to the series of charges heard yesterday. Some of the constant poundands and haddecided to quit. This led to the series of charges heard yesterday. Some of the constant poundands and haddecided to quit. This led to the series of charges heard yesterday. Some of the constant poundances heard to surge heard yesterday. testified and Lindsley reserved

Max J. Fischer of the East 104th street station was accused of losing his shield and pleaded guilty.

and pleaded guilty.

"A burglar came into my flat while I was asleep and stole it along with my salary check and some money," he said.

"He sent the shield and check back after-

ward."
"What!" exclaimed Lindsley, "You, 24
years on the force, tell me a burglar walked
into your flat while you were there and
into your shall! You must be in your stole your shield! You must be in your second childhood." Couldn't Argue It Out of This Darky With an Indian Club.

The veteran cop smiled sheepishly and said: "I wouldn't suppose he could, but he did."

thought should be done to increase the efficiency of the detective bureau. He most of the members of the club are hard- eral grades of detectives, graded accorderal grades of detectives, graded when sing to ability as determined by the men's records. When asked what he thought of the material on hand, O'Brien said that he had lots of good men in the bureau. He isn't opposed, however, to getting detectives from outside the uniformed force.

Magistrate Cornell also expressed views. He doesn't believe with Magistrate Ommen that the police officers attached to the courts should all be put on patrol uty. It might be feasible, he thinks, o have some of the court officers civilians, out a few policemen are always required.

James J. Martin, who was president of
the Police Board when Dr. Parkhurst first began his campaign against police conditions, and the Rev. Dr. Thomas R. Slicer will appear to-day.

IN SOLDIER AND SAILOR RIG. Eggers's Sleuths Got Evidence Against East Side Coffee Mouses.

The proprietors of six East Side coffee houses raided by Sergt. Eggers's private investigation staff on Wednesday night were arraigned yesterday in the Tombs police court on charges of selling liquor without a license. The detectives had disguised themselves as solders and sailors. One of the accused, Titus Zavodsky, pro-prietor of a coffee house at 133 Fast Fourth TO RECORD PLEAS FOR HARLAM. street, told Magistrate Steinert he had never on the sleuths who appeared against him "Don't you remember a sailor and a soldier coming into your place Tuesday night?" asked Dectective Black. "Well, I am that soldier.

Will Shift Connolly, Anyway.

Bernard J. Connolly, plain clothes man, who has been tried on charges of too great activity in assisting the regular force in an all-night Sixth avenue restaurant, leaves the West Forty-seventh street precinct to-day. Commissioner McAdoo said yester-day that he had been waiting for Deputy Commissioner Lindsley to render his de-cision on the charges upon which Connolly was tried, but finally he had decided to transfer Connolly to-day, anyhow. He has not decided where he will send him Mr. Lindsley's decision is expected to-day.

AFRAID SHE'LL BE KILLED. Helen Gates Says So in Court-Identifies Checks She Cashed.

Harlam offered them.

"I intended to have them up before me to-day for official commendation," said the Commissioner, "but O'Brien has been before the committee of nine. I may have them here to-morrow."

Helen Gates, the skating girl, who passed so many worthless checks on West Side tradesmen, told Magistrate Whitman in the West Side Court yesterday afternoon that she understood she would be a dead oman if she ever managed to get out of "McGuire will shoot me, I am informed,"

> idea that any harm will come to you."
>
> The girl had a good look at all the McGuire checks, and she admitted cashing all of them but two. Those, she said, Mrs. Annie Hoff had collected on, and she expressed a desire to have Mrs. Hoff in court. The Judge said she would be there.
>
> Assistant Distret Attorney Corrigan and the said of the said she would be the case. wasn't quite ready to go on with the case against Helen or the one against McGuire.

SQUEALED ON POLICE; SHOT. O'Brien Has Got Enough and Forgets Who Shot Him.

After three witnesses had testified yesterday that they saw Bill O'Brien, a crook, shot by Bill Smith, the keeper of a dive at 23 Bowery, O'Brien went on the witness stand and said he was no squealer. O'Brien was the principal witness against Police-man Arthur J. Mallon of the West Sixtyeighth street station, who was convicted of manslaughter for killing Robert Brennan. Mallon got twenty years for it, and thirteen dive, the place where Mallon had quarreled with Brennan.

Two messenger boys, Joe McGiven and James Brady, and "Con." Sullivan, a hangeron in Smith's saloon, testified that O'Brien had called Smith a stool pigeon for the police. O'Brien started to walk out of the saloon, and when he was fifteen feet away Smith pulled a revolver.
"I'll do you," said Smith, as he fired.

"I'd go to the electric chair for you." "On your oath," said Judge Cowing, when O'Brien went on the stand, "do you know who shot you and where you were "I don't know who shot me," said O'Brien.

"It may have been on the street in front of 13,15 or 17 Bowery, but I'm not sure." "What did you tell young Brennan's stepfather when he called on you at the hospital the day after the shooting?" Assistant District Attorney Nott asked.
"Oh, I said a feller was a monkey to fool with the police. 'I got it and I got it good,' I said. But I wasn't goin't to squeal. It would be all right when I got out, I told him."

The trial will be concluded to-day.

DEADLY ESSEX MARKET COURT. Sickness and Death Among Officials Excite

Magistrate Ommen's Wrath. Jesse Bernard, interpreter of the Essex Market police court, was taken suddenly ill yesterday afternoon and physicians who were hastily summoned said he was suffering from heart failure. He was sufficiently the amount of the loan or the name of revived about two hours later to be taken to his home in a cab.

J. Newman of the court squad, who was examination he had made and providing in charge of the gate leading to the prisoners' enclosure, was stricken with pneumonia and died within less than twentyfour hours.

four hours.

These incidents caused Magistrate Ommen to make some vigorous remarks yesterday afternoon on the sanitary condition of the old court building.

He alluded to the long and serious illness of Magistrates Flammer and Cornell and Clerk Samuel Williamson. One of the reporters attending the court, he said, had died after a few days illness caused by the condition of the building. In conclusion he said.

clusion he said:

"Plans have been drawn up for a new court house, but they have been held up, though the Board of Aldermen has seen the same of the s though the Board of Aldermen has seen its way clear to appropriate \$300,000 to stable the Street Cleaning Department's horses. The people down here are certainly as good as horses. This court room is full of foul air, and is so constructed that a man who is obliged to stay here for any period is in danger of death from the draughts. The court room is the draughts.

the draughts. The court room is a disgrace to New York. SAYS HE'S A NAVY DESERTER And Was Taken to London to Crack a Bank

-Now at Ellis Island. A young man who says he is Thomas Evans, a deserter from the American Navy, arrived yesterday from Liverpool aboard the White Star liner Majestic as a stowaway. He said that he had deserted from the receiving ship Hancock at the navy yard in Brooklyn last November; that he had shipped a large cargo of booze in Sixth avenue where he met a persuasive man named Smith who offered him lots of money to go to England and become a professional acrobat. Smith promised him a berth in the cabin

do the heavy work of cracking a bank. Evans then decided that he would return -Cops Needed in the Courts.

Acting Inspector Stephen O'Brien told the committee of nine yesterday what he thought should be done to increase the town, and then came out and was work. He was taken to Ellis Island.

The authorities there look upo with suspicion. Nobod navy yard to claim him. Nobody came from the

SMASHING MACAQUE FOR CITY. Blanche Deyo, the Actress, Found Her Apartment Too Small for It.

A man with a basket on his arm walked into the office of Director Smith of the Central Park menagerie yesterday and

"Where'll you have it?" "Where'll I have what?" asked the direc-

The monk in the basket. Didn't they tell you I was coming?" the man responded. He lifted the cover of the basket and pulled out a Java Macaque monkey, dressed in a velvet coat, with a chain attached to the collar about its neck. did that thing come from?"

inquired the director.

"Dunno, boss. I was told to bring it here. Oh, here's a letter in the basket." here. Oh, here's a letter in the best According to the letter. Blanche Deyo.

According to the letter, Blanche Deyo.

the actress, wanted to get rid of the animal the menagerie would be a good and thought the menagerie would be a good place for it. She said that while she was playing in "The Cingalee" some unknown admirer had passed the animal up to her over the footlights. It acquired such a habit of smashing things in her apartments that she decided to give it to the city.

STOPPED AS FILIBUSTERS. Party of Boer Veterans Not Allowed to Sall for Guatemala.

NEW ORLEANS, Feb. 16 .- The party of Boer veterans who were to have left to-day on the steamer Olympia will not sail, the United States District Attorney objecting.

The United States Grand Jury investigated the matter and apparently reached the conclusion that the movement was a filibustering one, and the men who had arranged to go to Central America were stopped. It was decided to submit the entire question to Secretary of State Hay, in view of the fact that the Guatemalan representative here who has been shipping Boer and British soldiers to Puerto Barrios produced a letter written by Presi-dent Barrios of Guatemala, in which he declared that immigrants are coming to that republic for the purpose of settling there, and that the Government had given each of them 110 acres of land.

FIREMAN BADLY INJURED.

the three story brick building at 969 Third avenue, Brooklyn, and gutted the three story frame building adjoining.

scene the flames had made considerable beadway. Firemen Lahey, McNally and Kelly of Engine 128 took a line of hose to the second floor. Dense smoke enveloped them and McNally and Kelly fell unconscious to the floor. The hose was too much for Lahey's strength and he also fell. The nozzle of the nose began to thresh, hitting Lahey on the head and fracturing his skull. He will probably die., and the examination was postponed until

CALL OF LOAN BROKE FIRM.

FAILURE OF ELLINGWOOD & CUN-NINGHAM SO EXPLAINED.

George A. Kessler as a Creditor for \$100,-000, Proceeds of Sales of Stocks, Files a Petition in Bankruptcy Against the Concern-Assignee Hopes to Payin Full

There was much curiosity in Wall Street yesterday as to the facts connected with days after that O'Brien was shot in Smith's the failure of the apparently prosperous Stock Exchange house of Ellingwood & Cunningham of 41 Wall street, which assigned on Wednesday, and enough was learned from Charles H. Ellingwood, a former partner of the house and now assignee, in spite of his unwillingness to discuss the matter, to justify Wall Street's belief that the calling of a good sized loan ust before the close of business on Wednesday broke the house. Mr. Ellingwood was asked directly yesterday if it was true that a big loan had been called by a holder of the firm's collateral, and he said:

"I don't feel that I should say anything about such matters now, but everything in connection with the assignment will come out within a few days. Mr. Cunningham thought that he had everything fixed all right, regarding loans, of course, which explains the fact that the assignment was made after the close of business, since just before that it was found out that everything was not all right."

"Then a loan was called?" Mr. Ellingwood

was asked. "Well, the transaction was an unusual one," answered Mr. Ellingwood, evasively. was not at all in the ordinary routine of things and had its effect on the firm's standing."

Mr. Ellingwood was asked if there was any animus so far as he knew in the calling of the loan, and he said that so far as he knew there was not. He would not state the lender. He said that he could as yet give no estimate of the liabilities and asseto On Tuesday night Policeman Thomas of the house, but that from the superficial

examination he had made and providing things turned out as well as they looked about to do there was every hope that the house could pay dollar for dollar and resume. The concern was particularly prominent last fail in Amalgamated Copper, and it was understood at that time that it had been fortunate in its position on the market, both before and after what Wall Street has come to term the "Lawson break." Recently it has been less prominent, but every one had supposed the house to be in good shape until its assignment. Mr. Cunningham, the senior partner, has been confined to the senior partner, has been confined to his house by illness for some time. The general understanding is that the whole trouble of the house was due to the calling of a loan which, although good collateral was offered for its continuation, was de-manded at once

was offered for its continuation, was demanded at once.

A petition in bankruptcy was filed yesterday against the firm by Hoadley, Lauterbach & Johnson, attorneys for George A. Kessler, a creditor for over \$100,000, the proceeds of sales of stocks belonging to him, which were sold by the firm on his order. He does not know the exact amount, the sales is to the sales of the sales but places it at over \$100,000. He alleges that the firm is insolvent and that it has within the past four months transferred a large part of its property to certain creditors to prefer them. The petition also avers that the creditors of the firm are less than twalve in number. Application was than twelve in number. Application was made to Judge Holt for the appointment of a receiver to take charge of the assets, which, it was asserted, do not amount to ore than \$100,000.

WILL PLANT LESS COTTON. The "Manufacturers' Record" Gathers Val-

uable Statistics From the South. BALTIMORE, Feb. 18 .- On the verge of the planting season of 1905 the Manufacturers' Record presents to-day statistics designed to display the mind and the inof a crack liner, but instead shipped him | tent of the South as to this year's cotton as a cattleman. Smith travelled in the crop. The bankers of the South are probably in more intimate touch than are any When they got to London Smith, Evans other men with farming conditions there. To more than 2,000 of them circular letters were sent asking for their views on the partments by W. E. Burke, a former Alder-

situation. In reply nearly 1,000 letters have been received, covering the cotton belt from North letters are published. They indicate a determination to reduce the acreage in cotton

mination to reduce the acreage in cotton and a strengthening inclination to diversification of crops.

Summarizing the replies the Manufacturers' Record says:

"Estimates of reduction of acreage range, according to different localities, from 10 per cent, to 50 per cent, in a few instances farmers quitting cotton altogether. The tendency to reduce seems to be most marked in the older cotton growing communities,

especially on the seaboard.

The recent convention at New Orleans undoubtedly has given an impetus to the reduction movement, but some interfering possibilities are pointed out. It is sugges that if the price of cotton remains at 7 s cents at planting time there will be a decrease in acreage, but that an advance to 10 cents or higher will mean no decrease, if, indeed, there be not an increase, for, as one writer notes, many a farmer is like the mercury in a thermometer and goes up and down with the price of cotton. "Reduction in acreage promises to be ac-companied in great measure by reduction in fertilizers. In the Carolinas and Georgia there are already reports of decreases in there are already reports of decreases in the usual hauling from 700 to 20 tons— from 1,200 to 200 tons, or from 10 to 40 per cent. At one Georgia town that usually handles 4,000 tons and has big stocks on

MUNROES OUT OF BANKRUPTCY. Also Out of Besten and Mentreal Mine -Chapter of the Settlement.

The bankruptcy case of Munroe & Munroe, celebrated for the testimony taken about stock washing, unsecured loans and brokers who were "stuck," came to a close yesterday. The end was as gentle and peaceful as the hearings had been violent and stormy. It was accomplished in the United States District Court before Judge Holt late in the afternoon when Maurice Untermyer, counsel for the receiver and the petitioning creditors; Frank L. Crocker, attorney for Munroe & Munroe, and J. Henry Work, the temporary receiver, united in securing a formal dismissal of the petition in involuntary bankruptcy against the firm. Mr. Untermyer said that he had no proofs to offer sustaining the allegations of the petition and consented to the motion of dismissal made by Mr. Crocker.

dismissal made by Mr. Crocker.

The temporary receiver is directed by the order of dismissal to surrender to Munroe & Munroe all the property held by him as receiver, and the other terms of settlement fellow the plan previously outlined. To the creditors has been turned over stock in the Boston and Montreal Consolidated Mining and Smelting Company, not at Struck on Head by Hose Nozzle After Companions Were Overcome by Smoke.

Three firemen were overcome by smoke, one received a fracture of the skull and five families were rendered homeless yesterday morning in a fire which destroyed the three story brick building at 969 Third

Business Troubles. A petition in bankruptcy was filed yesterday

By the time the firemen reached the against the Huron Condensed Milk Company

The Waxamaker Store Store Closes at 5:30 o'Clock.

Formal Dress for Men---

Full Dress Suits, Tuxedo Suits, Prince Albert Coats and Waistcoats

A HOMILY for Men of Taste Exclusive.

This important branch of our Men's Clothing business has stood the test for so many seasons now that we feel justly proud of it. Tailors, as skilled as can be found, put their best craftsmanship and ideas into these garments; and the finished products are elegant pieces of attire, indeed. Match-

lessly cut. At the price, we lay claim to the "right of eminent domain" in this work; that's our status.

Inspection of our line-by men who know how to examine and compare - will bear us out.

The size-range is very comprehensive - much greater than elsewhere - that's acknowledged.

Ready to wear, these:

Full Dress Suits, of black unfinished worsteds, lined with Venetian cloth, silk-faced—\$25. Others, full silk-lined—\$30, \$38 and \$45. Tuxedo Suits, of black unfinished worsteds, lined with Venetian cloth, silk-faced—\$25. Others, full silk-

Prince Albert Coats and Waist-coats, of fine black thibet, serge-lined, and silk-faced to buttonholes; at \$20. Others, of fine black thibet, silk-lined, with silk backs in vests, at \$25. Still others, of imported black Vicuna, silk-lined, with extra quality Merveilleux, at \$35. lined, \$30.

Also a splendid selection of Striped Worsted Trousers, in neat patterns, at \$5 to \$10. Stylish Waistcoats for street and dress wear, \$2.50 to \$7. Second floor, Fourth ave.

JOHN WANAMAKER Formerly A. T. Stewart & Co. B'way, 4th Ave., 9th & 10th Sts.

GROUT HOLDS UP BURKE BILLS

DAN M'MAHON'S LIEUTENANT RUNS AGAINST COMPTROLLER.

Has Been a General Purveyor to City Departments on Open Orders-Furnished Pumps, Rubber Boots or Anything, and Never Struck a Snag Before.

Comptroller Grout has held up several Ills for supplies sold to various city de-

nan and a friend and lieutenant of Daniel F. McMahon, the Tammany leader of the Seventeenth district. Mr. Grout has also Carolina to Oklahoma. About 500 of these ordered his auditors to make a reexamination of the vouchers sent in by Mr. Burke during 1904, which amounted to about \$19,000. Mr. Burke has sold goods to the Bridge, Water Supply, Fire, Police and other departments on what are known as "open orders." Heads of departments are allowed under the Charter to make purchases of less value than \$1,000 without public competition. Although Burke has only a ingle office, at 258 Broadway, he has suplied the city with all kinds of things, rang ing from iron pumps to rubber boots and even to photographic supplies. His office is in the same building as that of Naughton & Co., the contracting firm of which Mr McMahon is the head. Only the bare name of Mr. Burke appears on his office door, but at the Finance Department it was said that his name on his bill heads is followed

by the description "General Contractor." The purpose of the examination ordered by Mr. Grout is to discover if Burke ha charged the city more than the market price for his goods. Even if it should be found that Burke's prices were excessive it is doubtful if the city would benefit from the discovery so far as the 1904 bills are concerned, for the reason that they have been paid. Mr. Burke was not at his office vesterday, but his friends said that before he sided with Senator McCarren against Charles F. Murphy Mr. Grout never once questioned any item in Mr. Burke's bills and that the step he has now taken has

been inspired by political motives.

Mr. Burke said last night that he had heard of the hold-up of his bills and that, in fact, Mr. Grout had refused payment on them on the ground that he, Burke, was merely a middleman. "I told Mr. Grout to-day," said Mr. Burke, "that I would be only too pleased for him to make an investigation of my bills because he would then find that the prices I had

charged were fair and reasonable "I am doing a legitimate business. I have been supplying certain lines of goods to the city from the beginning of the Low administration, and this is the first time that any of my accounts have been questioned. The fact that Mr. Grout has only at this moment suggested that my bills were excessive seems to me to be an action prompted by some political move. I am ready to meet any investigation Mr. Grout may make, and I only hope he will make it quickly, because he is holding up bills of mine amounting to about \$8,000."

Borough President Littleton Reports 837,546 Saving.

President Littleton of the Borough of Brooklyn yesterday notified Comptroller Grout that in balancing up his accounts at the end of the year he found a sum of \$37,546.44 which had not been spent and which is now available for any purpose. The total appropriations granted to the Brooklyn Borough President last year was

Didn't Tell of Their Wedding for a Year. It was learned yesterday that Miss Ma
"He has been coming and going at the hotfor years. There was trouble and he wer tilda Mitchell, daughter of Edward Mitchell, sergeant-at-arms of the Hudson county on manager requests that he be bound to keep the peace." courts and a well known Republican policourts and a well known Republican politician, has been Mrs. Asa Taft, wife of a clerk in a New York banking house, for nearly a year. They were married by a New York clergyman. When Mrs. Taft's parents were told of the wedding they insisted on a remarriage, and the second control of the peace."

Token to be peace.

Within an hour James Breslin of it.*

**Soo security, whereupon the belligered doctor was released, minus his gun in the peace of the peace."

Control of the peace.

**Token to be peac insisted on a remarriage, and the second ceremony was performed recently.



ive." said Beat Brummel, "by afaffected."

YOU CAN'T BE UNAFFECTED BY THESE EFFECT-IVE PRICES:

ALL OUR \$15, \$18 AND \$20 SACK OVERCOATS IN THIS OVERCOAT WEATHER:

\$12.00

A LOT OF GOOD THINGS IN SACR SUITS REDUCED FROM \$15, \$18 AND \$20 TO THE SAME FIGURE-



James McCreery & Co.

Muslin Underwear Department. 2nd Floor

Commencing on

February the 17th. A quantity of new, French Underwear will be placed on sale in sets of Gowns, Chemises and Drawers, hand-made and finely em-

broidered. \$19.75 per set

100 dozen Gowns, Chemises; Drawers, Corset Covers and Petticoats in effective designs At one-half usual prices.

Twenty-third Street.

CALIFORNIA EVERY DAY

from March 1 until May 15, colonist rates to all principal points in that state

UNION PACIFIC

SOUTHERN PACIFIC

FROM Chicago \$33.00

Shortest Line Fastest Time Smoothest Roadbed Tourist Sleeping Cars a Specialty

St.Louis 30.00

Inquire of R. TENBROECK, Gen'l Eastern Agent, 287 Broadway, New York City, New York

innedy 12 CORTLANDTS

Fine Underwear at Half. We Do Not Carry Over Ends of Lots.

Wright's Health Underwear, 98c. Some are silk fleeced and worth 2.00. Kneip Linen Mesh 1.69 (regular 3.25) Drawers Only.

Norfolk New Brunswicks, 29c. (regular 1.00 Shirts only-blue ribbed. 35c. Black Cashmere Sox - at 17c

50c. Mercerized Knit Gloves - at 250 3.00 Wool Night Shirts - - at 1.40 5.00 Sweaters (Samples) - at 2.75

DR. NOLTON BANGED AND BONDED Fined \$10 and Deprived of the Gun He Flourished in the Gilsey House.

J. George Nolton, who started a starr pede in the Gilsey House barroom Wednes day night by flourishing a pistol, was fine months on account of the flourishing.

"This man calls himself a doctor," said

Detective Tucker to Magistrate Flammer

been generously and heartily given